

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Texas



United States of America

v.

JASON KYLE KERBY

Case No. 1:23-MJ-41-BU

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of a date unknown to August 28, 2023 in the county of TAYLOR in the Northern District of Texas, the defendant(s) violated:

Code Section

Title 18, United States Code,
Section 2251(a)

Offense Description

Production of Child Pornography

This criminal complaint is based on these facts:

See attached affidavit.

☐ Continued on the attached sheet.

Complainant's signature

Samuel Venuti, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: August 28, 2023

Judge's signature

City and state: Abilene, Texas

JOHN R. PARKER, JR. U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

1. I, Federal Bureau of Investigation (FBI) Special Agent (SA) Samuel Venuti, being duly sworn under oath, do hereby depose and state:

2. I have been a SA of the FBI, and I have been so assigned to the Abilene Resident Office of the FBI since April 2023.

3. As part of my official duties, I have conducted and participated in investigations relating to the sexual exploitation of children. During the course of these investigations, I have observed and reviewed many examples of ways in which adults sexually exploit children for sexual gratification, financial gain, or other reasons. As part of my duties and responsibilities as a Special Agent, I am authorized to investigate crimes involving the sexual exploitation of children, including violations of 18 U.S.C. § 2252A(a)(2) for receipt and distribution of child pornography and 18 U.S.C. § 2252A(a)(5)(B) for possession of child pornography and 18 U.S.C. § 2251(a) production of child pornography.

4. This affidavit is made in support of an application for a criminal complaint for Jason Kyle Kerby who is residing in Abilene, Texas, for violating Title 18 U.S.C. § 2251(a), production of child pornography. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement officers and witnesses. The statements contained in this affidavit are based on my experience, training, and background as an FBI SA, and on information provided to me by other law

enforcement officers who have assisted in the investigation.

PROBABLE CAUSE

5. On August 24, 2023, affiant was contacted by Village of Pewaukee Police Department Officer Larisa Mayek in Milwaukee, Wisconsin, relating to an investigation into a subject they recently arrested as part of a child exploitation investigation. Officer Mayek is also a member of the Wisconsin Internet Crimes Against Children (ICAC) Task Force. The crime related to a children sexual abuse material¹ (CSAM) investigation that included several CSAM offenses in violation of 18 U.S.C. §§ 2252A(a)(1) and 2, 2252A(a)(2)(A) and 2, 2252A(a)(5)(B) and 2.

6. Officer Mayek provided information obtained during an investigation of the Wisconsin resident, hereafter referred to as Subject 1, for the manufacturing and distribution of CSAM. Officer Mayek subsequently determined their subject was communicating with a possible male in Abilene, Texas, via a social media provider, using a screen name known to this affiant and hereby referred to as “M.H.” Abilene is located in the Abilene Division of the Northern District of Texas.

7. While reviewing digital evidence consisting of Subject 1’s Google Drive account, Officer Mayek located a folder labeled with a name indicating it

¹ The current trend is to refer to this material as child sexual abuse material as that more appropriately describes what this type of material is. Federal laws still refer to this material as child pornography, but for the purposes of this affidavit, affiant will use the term child sexual abuse material or CSAM throughout.

contained material involving daughters. A sub-folder, labeled "M.H." included multiple photos and videos captured from hidden devices. These included: videos of young females in a bathroom, an image of a young female sleeping in a bed, an image of a male's hand grabbing a young female's breast, an image of an erect penis directly next to a young female's closed mouth, and an image of an erect penis placed into the hand of a sleeping young female. The female in the photos and videos appears to be a minor. The images showing the erect penis near or touching the minor meet the federal definition of child pornography pursuant to 18 U.S.C. § 2256(8)(A). There were other videos located in the folder that indicated there were hidden cameras in a house and bathroom and there were multiple videos of at least one minor girl nude in the bathroom.

8. Additionally, the sub-folder included a mugshot taken of an adult male with a name of "Jason Kerby" and a date of birth of 09/27/1978. Officer Mayek conducted record checks that yielded a match: Jason Kyle Kerby, DOB: 09/27/1978, resident of Abilene, Texas. Social media photographs of Kerby matched the individual in the mugshot that Subject 1 saved to his "M.H." folder.

9. Additional record checks by Officer Mayek of Jason Kyle Kerby revealed connections Kerby had to at least one minor female. A Facebook post revealed the identity of the minor female and sufficient information that said minor female could be located. The minor female will be here after referred to as Jane Doe-1. The photograph online of Jane Doe-1 matched the face of the girl in

the images described in paragraph 6 above that meet the federal definition of child pornography.

10. On August 24, 2023, affiant verified Kerby's home address of being 6626 Tradition Drive in Abilene, Texas, through his Texas driver's license and vehicle registration.

11. On August 28, 2023, a Search Warrant was executed at Kerby's residence at 6626 Tradition Drive, Abilene, Texas, 79606. Kerby and his family exited the residence after a knock and announce was executed at 6626 Tradition Drive. Law enforcement officers spoke with Kerby and Kerby agreed to speak with agents at the Texas Department of Public Safety's office at 2720 Industrial Boulevard, Abilene, Texas, 79605.

12. During the interview, Kerby stated that he used the social media platform involved in this investigation in which he communicates with other men about having sex with their wives. Kerby stated that he is a member of multiple groups on this platform to include "church wives" and "voyeur wives."

13. Kerby stated that he shared nude images of his wife on this social media platform in these groups and that his wife is not aware that Kerby does this. Kerby stated that he has hidden cameras through the house to include bathrooms.

14. When asked if there were any other voyeur activities inside the house, Kerby stated: "I think you know the answer to that question." Kerby stated that he is a part of a group on the social media platform with a name known to this

affiant in which Kerby shares nude images and videos showing the genitals and breasts of minor females including Jane Doe 1 to other members in the group.

15. Kerby was shown a series of images depicting nude photographs of Jane Doe 1. Kerby admitted to capturing these images via hidden cameras he placed in vents, electrical outlets, and a USB charger he purchased from Amazon. Kerby was then shown a series of photographs showing a penis in the hand of Jane Doe 1 and a penis next to the mouth of Jane Doe 1. Kerby stated that it was his penis. Kerby then went through each nude photograph and signed with his initials stating that he would no longer record nude images and videos of Jane Doe 1.

16. Kerby stated that he ejaculated on the face and body of a minor female approximately 3-4 times and placed his finger inside of the minor female's vagina approximately 3-4 times. Kerby admitted that he had been engaging in the behavior of recording others including Jane Doe 1 for several years in Abilene.

17. Based upon all of the information set forth in this application, I respectfully submit that there is probable cause to believe that Jason Kyle Kerby is a person involved in the Production of Child Pornography, in violation of Title 18, United States Code, Sections 2251(a). For these reasons, I request this Court issue an arrest warrant for Jason Kyle Kerby for violation of 18 U.S.C. § 2251(a).

18. This affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant for Jason Kyle Kerby for producing child pornography from a date uncertain to on or about August 28, 2023. I have not included each and every fact known to me concerning this investigation. I have

set forth only the facts that I believe are necessary to establish probable cause that violations of Title 18, United States Code, 2251(a) have been committed.

19. Further affiant sayeth not.



Samuel Venuti
Special Agent
Federal Bureau of Investigation

Pursuant to Federal Rules of Criminal Procedure 4.1 and 41 (d)(3), the undersigned judicial officer has on this date considered the information communicated by reliable electronic means in considering whether a complaint, warrant, or summons will issue. In doing so, I have placed the affiant under oath, and the affiant has confirmed that the signatures on the complaint, warrant, or summons and affidavit are those of the affiant, that the document received by me is a correct and complete copy of the document submitted by the affiant, and that the information contained in the complaint, warrant, or summons and affidavit is true and correct to the best of the affiant's knowledge.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone this 28th day of August 2023.



JOHN R. PARKER
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF TEXAS